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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,417	06/23/2003	Dean M. Walker	WALK01USU1	9600

27479 7590 04/26/2006

COCHRAN FREUND & YOUNG LLC  
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FORT COLLINS, CO 80525

EXAMINER
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PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,417	<b>Applicant(s)</b> WALKER, DEAN M.	
	<b>Examiner</b> Meredith C. Petravick	<b>Art Unit</b> 3671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 6, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 7 uses the limitation “compliant connector” but the specification uses the phrase “compliant mechanism.” The limitation compliant connector lack antecedent basis in the specification.

Further “compliant mechanism” is considered to be a specific term of art which means a single-piece flexible structure that delivers the desired motion by undergoing elastic deformation as opposed to jointed rigid body motions of conventional mechanisms (See Non-patent literature citations on attach Notice of References Cited). This meaning was given to the limitation “compliant connector” is claim 7.

### ***Claim Rejections - 35 USC § 103***

2. Claims 4-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,077,959 to Wenzle in view of U.S. Pat. No. 2,313,590 to Sherer, Jr. et al.

Wenzle discloses a self propelled walk behind mower including:

- a tractor unit (11)
- an engine (19) mounted on the tractor unit
- hydrostatic drives (24) on the tractor unit
- drive wheels (17) coupled to the hydrostatic drives
- handles (31) that extend rearwardly

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Wenzel also describes attaching a mowing deck to the front of the tractor unit but does not describe how it is attached. The deck has two wheels (18). Wenzel does not describe providing a third wheel pivotally attached to the middle of the rear of the tractor unit.

Like Wenzel, Sherer, Jr. et al. discloses a walk behind mower with a tractor unit with two drive wheels (14) and with a mower deck attached to the front.

Unlike Wenzle, Sherer, Jr. et al. describes how the mower is attached and provides a third wheel (15) on the rear of the mower. Sherer, Jr. et al. attaches the deck to the mower with deck attachment arms (46) that are pivotally attached (by journal 47) to the front of the tractor unit. The mower deck has deck attachment receivers (43) on the rearward end that detachably engage the deck attachment arms. This allows the mower deck to pivot around an axis transverse to the longitudinal axis of the mower in order to avoid scalping (Column 1, lines 1-17 and Column 4, lines 28-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tractor unit of Wenzle with a third pivotable wheel as in Sherer, Jr. et al. in order to further support the tractor unit and to make the mower deck of Wenzel attach like the mower deck of Sherer, Jr. et al., in order to avoid uneven grass cutting.

Regarding claim 6, Sherer, Jr. et al. discloses a suspension (Fig. 2).

Regarding claims 9-10, Wenzel et al. discloses a hydrostatic transmission that drives the wheels independently around axles, which in the combination would be substantially aligned with the pivot in said lengthwise direction.

***Allowable Subject Matter***

3. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to correct the objection above.

***Response to Arguments***

4. Applicant's arguments with respect to claims 4 and 6-10 have been considered but are moot in view of the new grounds of rejection. Applicant amended claims 4 and 6 and presented new claims 7-10. These claims are addressed above

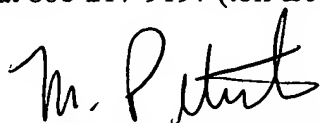
***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Meredith C Petravick  
Primary Examiner  
Art Unit 3671

April 24, 2006